

REMARKS

I. Summary of the Office Action

Claims 108-142 were pending in the application.

Claims 108-114 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 108 and 109 are rejected under 35 U.S.C. § 102(e) as being anticipated by King et al. U.S. Patent No. 3,874,388 (hereinafter "King").

Claims 111 and 113 are rejected under 35 U.S.C. § 103(a) as being unpatentable over King.

Claims 120-142 are withdrawn from consideration as being directed to a non-elected invention.

II. Summary of Applicants' Reply

Applicants have amended independent claim 108 to more clearly define the claimed invention. Applicants have also canceled claims 120-142 without prejudice. The amendment to independent claim 108 is fully supported by applicants' specification and therefore does not add new matter.

III. Applicants' Information Disclosure Statement

The Examiner requested assistance in identifying

the "very pertinent references" from the references submitted in applicants' January 17, 2006 Information Disclosure Statement and any previously cited art. (See Office Action, page 2). Applicants submit that all the cited references are material to patentability and respectfully request the Examiner to consider each and every reference submitted in compliance with 37 C.F.R. §§ 1.97 and 1.98. In order to assist the Examiner, however, applicants provide a list of some of the references cited by Examiners in foreign and domestic counterpart applications (and related applications). The following list may not be exhaustive:

- German DE 195 42 733 A1 (cited in an International Search Report for PCT/US98/26845)
- WO 98/08462
- WO 99/62415
- WO 00/56223
- WO 00/56226
- WO 01/41624
- WO 95/28885
- Bolduc et al. U.S. Patent 6,193,734
- Berg U.S. Patent 6,074,416
- Marin et al. U.S. Patent 5,397,355
- Sideris et al. U.S. Patent 5,433,727
- Sideris et al. U.S. Patent 5,284,488
- Sideris et al. U.S. Patent 4,917,089
- Lock et al. U.S. Patent 5,451,235
- Amplatz et al. U.S. Patent 6,468,301

- Wahr et al. U.S. Pat. App. Pub. 2002/0183787 A1
- Beer et al. U.S. Pat. App. Pub. 2003/0139819 A1
- Inoue U.S. Patent No. 5,171,259
- Frazier et al. U.S. Patent No. 6,436,088 B2

IV. The Rejection under § 112, First Paragraph

The Examiner rejected claims 108-114 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The 35 U.S.C. § 112 rejection was later withdrawn in the September 19, 2006 Advisory Action in response to applicants' August 25, 2006 Reply to Final Office Action. Applicants submit that the 35 U.S.C. § 112 rejection, therefore, is now moot. (See Advisory Action, Continuation Sheet 2).

V. The Rejection of Independent Claim 108

The Examiner rejected independent claim 108 under 35 U.S.C. § 102(e) as being anticipated by King. According to the Examiner, King shows a first and second sets of fingers "substantially radially outward from the axis and being space[d] from each other on the axis." Id. Applicants respectfully disagree.

As argued in the August 25, 2006 Reply to Final Office Action, King's FIGS. 15A-15C refer to a single set of

umbrella struts connected to a second set of elevating struts. The elevating struts support the umbrella struts and cause the umbrella struts to open, opening the covered umbrella. (See King, column 8, lines 55-65 and FIGS. 15A-15C).

Since King's elevating struts and umbrella struts are always connected to each other, the two set of struts cannot be considered two sets of fingers, nor can they be considered "spaced an axial distance apart from each other," as recited by applicants' independent claim 108. Elements spaced an axial distance apart from one another cannot also be connected to one another.

In order to advance prosecution, however, applicants have amended independent claim 108 to recite that the first and second sets of fingers are "unconnected to each other at the radially outward ends." Applicants believe that this amendment does not affect the scope of the claimed invention. The amendment is presented for clarity only.

The Examiner already conceded that the fingers in King are "connect[ed] away from the axis." (Advisory Action, Continuation Sheet 2). Applicants submit, therefore, that King fails to show or suggest all of applicants' claimed features of independent claim 108 and respectfully request the rejection of this claim be withdrawn.

VI. The Dependent Claims

Dependent claims 109-119, which include all of the limitations of independent claim 108, are allowable for at least the same reasons as independent claim 108.

Accordingly, applicants request the rejection of these claims be withdrawn.

VII. Conclusion

In view of the foregoing, claim 108-119 are allowable over the prior art of record. This application is therefore in condition for allowance. Reconsideration and allowance are respectfully requested.

Respectfully submitted,



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